

and

In the Matter of the Accused HILDE LOEBAUER

Whereas on the 17th day of November 1945 the Military Court trying the case of the above mentioned accused pursuant to the Royal Warrant for the Trial of War Criminals dated 14th June 1945 (as subsequently amended) found the said HILDE LOEBAUER GUILTY on both counts in the indictment against her and thereon sentenced her to 10 years imprisonment.

NOW HEREBY I, Lionel Sydney William Cranfield, a Temporary Major in His Majesty's Army, appointed as Defending Officer to the said accused HILDE LOEBAUER this indictment against HILDE LOEBAUER on behalf and on the instructions of the said HILDE LOEBAUER pursuant to Regulation 10 attached to the said Royal Warrant.

THE PRAYER is that the Finding and Sentence above mentioned be annulled for the following reasons.

1. That the finding was bad in law in that

(a) the offences alleged against the accused in the Charge Sheet and the evidence do not amount to a War Crime as charged of which she was found guilty. In support of this contention I adopt the argument presented to the Court by Colonel H A Smith which will be found in Volume 45 of the Transcript of the official Shortland Notes of the Proceedings pages 26 to 29.

and
(b) since the accused must be accepted as a civilian and not a member of the Armed Forces there being no evidence before the Court to the contrary and there is no evidence or allegation against her of illegitimate hostilities, espionage, war treason, surrendering or other war crimes which can be committed by a civilian THEREFORE she as a civilian not engaged in hostile action or warfare against the armed forces of the Allies is incapable of committing a War Crime of the nature charged that is a violation of the rules of warfare. In support of this contention I refer to the argument of Colonel H A Smith at page 29 of volume 45 of the Transcript of the official Shortland Notes of the Proceedings.

2. That the Court was entitled to give no consideration to the evidence of the accused, because the Court was constituted in law by the Deputy Judge Advocate General.

(a) He submitted that the Court was not constituted in law by the Deputy Judge Advocate General because the Court was constituted in law by the Deputy Judge Advocate General and not by the Deputy Judge Advocate General.

(b) He submitted that the Court was not constituted in law by the Deputy Judge Advocate General because the Court was constituted in law by the Deputy Judge Advocate General and not by the Deputy Judge Advocate General.

(c) He submitted that the Court was not constituted in law by the Deputy Judge Advocate General because the Court was constituted in law by the Deputy Judge Advocate General and not by the Deputy Judge Advocate General.

(d) He submitted that the Court was not constituted in law by the Deputy Judge Advocate General because the Court was constituted in law by the Deputy Judge Advocate General and not by the Deputy Judge Advocate General.

(e) He submitted that the Court was not constituted in law by the Deputy Judge Advocate General because the Court was constituted in law by the Deputy Judge Advocate General and not by the Deputy Judge Advocate General.

(f) He submitted that the Court was not constituted in law by the Deputy Judge Advocate General because the Court was constituted in law by the Deputy Judge Advocate General and not by the Deputy Judge Advocate General.

Dated this 22nd day of November 1945.

Lionel Sydney William Cranfield
Temporary Major in His Majesty's Army
attached 1st Battalion, The King's Own Yorkshire Light Infantry.
R.A.C.R.

...and ... and ...
...the findings and sentence of the court
...the ... of the ...

...the ... of the ...
...the ... of the ...

...the ... of the ...
...the ... of the ...
...the ... of the ...
...the ... of the ...

...the ... of the ...
...the ... of the ...
...the ... of the ...

an

a

...the ... of the ...
...the ... of the ...

...the ... of the ...
...the ... of the ...
...the ... of the ...
...the ... of the ...

J.E. Leland

Osterode
27 11 45